

**SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY BOARD**

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**FULL BOARD MEETING MINUTES**  
**October 25 & 26, 2007**

Department of Consumer Affairs  
Medical Board of California  
1424 Howe Avenue  
Greg Gorges Conference Room "F"  
Sacramento, CA 95825  
(916) 263-2666

**Board Members Present**

Lisa O'Connor, M.A., Chairperson  
Naomi Smith, Au.D.  
Rebecca Binge, Au.D.  
Jennifer Hancock, M.A.  
Alison Grimes, Au.D.  
Carol Murphy, M.A.  
Paul Donald, M.D.

**Staff Present**

Annemarie Del Mugnaio, Executive Officer  
Candace Raney, Staff Analyst  
Lori Pinson, Staff Analyst  
George Ritter, Legal Counsel

**Board Members Absent**

Diana Verdugo, M.S.

**Guests Present**

Laura Zuniga, Deputy Director, DCA, Legislative & Regulatory Review Division  
Missy Johnson, Senate Committee on Business, Professions, & Economic Development  
Marcia Raggio, Audiology Program Director, San Francisco State University  
Ken O'Donnell, California State University Chancellor's Office  
Dennis Van Vliet, Audiologist, California Academy of Audiology  
Robert Ivory, Audiologist, California Academy of Audiology  
Ameé Evangelista, West Contra Costa Unified School District  
Kathleen Mendoza, West Contra Costa Unified School District  
Gwen Beecham, West Contra Costa Unified School District  
Jim Stassi, Sacramento Advocates, Inc.  
Aaron Villela, Bilinguals, Inc.  
Ignacio Casabous, Bilinguals, Inc.  
John Yelchaic, Medical Board of California

**The following guests participated in the meeting via teleconference:**

Lydia Yu, University of California Office of the President

Ian Windmill, Ph.D., Chair, Accreditation Commission for Audiology Education

Doris Gordon, Executive Director, Accreditation Commission for Audiology Education

Judy Brasseur, Council on Academic Accreditation, American Speech-Language-Hearing Association

Tess Kirsch, Council on Academic Accreditation, American Speech-Language-Hearing Association

**I. Call to Order**

Chairperson O'Connor called the meeting to order at 4:10 p.m.

**II. Introductions**

Those present introduced themselves.

**III. Approval of Meeting Minutes for August 9-10, 2007 full Board Meeting**

The Board discussed minor grammatical edits to the minutes.

**M/S/C: Bingea/Grimes**

The Board voted to approve the August 9-10, 2007 full Board meeting minutes.

**IV. Chairperson's Report (Lisa O'Connor)**

Chairperson O'Connor summarized her written report to the Board members on the following topics:

**A. Meeting with the California Council of Academic Programs in Communicative Sciences and Disorders (CAPCSD) – October 12, 2007**

Chairperson O'Connor reported that she and Ms. Del Mugnaio attended the CAPCSD meeting where the members expressed concern about the high numbers enrolled in undergraduate classes (some report numbers close to 200), and that few actually find graduate program placements. Some expressed concern about a change in the quality of student selecting the audiology major, and many were concerned about the shortages of personnel in California. University of the Pacific and CSU Long Beach presented information about their new innovative "cohort" programs to specifically address shortages of SLPs in the public schools. There were updates on the two new SLP training programs at CSU Dominguez Hills and CSU Santa Ynez. CSU Dominguez will be an undergraduate program with a focus on helping those who want to change careers to prepare for entry into graduate programs in the state. Santa Ynez will be an MA program with the hopes of enrolling the first class in fall 2008.

Chairperson O'Connor stated that a lengthy discussion ensued when a representative from the Commission on Teacher Credentialing (CTC), Mike McKibbin, addressed the group and

outlined the recommendations of the CTC's work group on credential reforms and specifically addressed those reforms that would impact speech and language service authorizations. Mr. McKibbin advised that the recommendations would focus on six major areas:

1. Provide better services to those with special needs in our classrooms.
2. Improve access and retention of special educators.
3. Streamline the credential programs and expand access.
4. Eliminate redundancy, especially when it is not logical.
5. Examine terminal requirement for improved standards.
6. Improve access to services for those in need.

There are presently 6 Specialist Credentials. Changes to these credentials might involve the following:

1. Suggest to the state training programs that they devise an undergraduate major for "Special Populations." This would involve pedagogy around special education, and the major could lead to one of the specialist credentials.
2. Revise standards so that all 6 credentials can work with autism
3. Offer two years support to new educators based on an individual instruction plan for those with preliminary credentials.
4. Authorize a 7<sup>th</sup> special teaching credential in "Communication Development." This would not replace the new two-tier credential or the Clinical Rehabilitative Services credential, but would instead create a provider with different training, possibly a BA level of personnel.
5. Provide a way in which those with the multiple and single subject credentials could move to the Communication Development Credential or the new two-tier Speech-Language Pathology Services Credential. In other words, create standards that allow for this type of transition.
6. Standards would include a literacy component to better link literacy, listening, and writing in an effort to create standards with more attention to the core curriculum.
7. Create opportunities for SLPs in schools who do not have a credential to receive credit for their work.
8. All education specialist applicants must undergo a teacher support assessment program.

Some of these recommendations will require legislation and some may occur through regulatory changes.

Chairperson O'Connor indicated that she believes that the pathway for creating new credentialing opportunities with lesser training is a direct result of losing the "Highest Qualified Provider" requirement when IDEA was reauthorized in 2004. She reported that to her knowledge there is no proposed change for the services credential in audiology. She stated that the changes potentially create three levels of service providers in the public schools who can serve those with communication disorders:

MA – SLP Services Credential (new Tier Two credential)

BA – with the new "Communication Development Specialist Credential"

AA – with registration from SLPAB as an Assistant

The Board discussed the issues surrounding the creation of a new credential that will likely add more confusion to the existing personnel authorization for speech and language services in the public schools, as well as authorize lesser trained personnel to work with children who have complicated speech and language impairments.

**M/S/C:        Murphy/Grimes**

The Board delegated to Chairperson O'Connor, with input from Ms. Del Mugnaio, the task of drafting a letter to the Commissioners regarding the Board's concerns with the recommendation of the work group to develop a new Bachelor's Degree credential in communication development.

## **B. Miscellaneous**

Chairperson O'Connor summarized information posted on the American Speech-Language-Hearing Association's website regarding the manner in which many states are addressing shortages in speech-language pathology and audiology professional services. She also identified the states that have moved to recognize a universal license requirement for all work settings.

## **V.        Executive Officer's Report (Annemarie Del Mugnaio)**

Ms. Del Mugnaio briefly discussed the written report as provided in the meeting packets and highlighted the main points of each topic for those in attendance.

### **A. Report from the National Council of State Boards of Examiners for Speech-Language Pathology & Audiology 2007 Conference- October 5-6, 2007 San Antonio, Texas**

Ms. Del Mugnaio stated that the following professional issues were highlighted at the conference:

- Consumer protection: How reduction in state standards may seriously impact consumer services and may pose a serious consumer threat.
- How to educate legislators, fellow professionals, and consumers about the professions and the need for rigorous state standards.
- National accreditation and certification standards: Do new graduates meet licensing requirements?
- A review of current standards for program accreditation and certification {accreditation statistics from the Council of Academic Accreditation: 240 SLP Programs/70 AuD programs/5 new AuD programs in Candidacy}.
- Discussion regarding existing state licensure requirements and how licensure and certification differ: Examined means for facilitating the process for new graduates to obtain state licensure.
- Analysis of enforcement case scenarios: Examined appropriate options for formal discipline.

- Encroachment Issues: Academic Language Therapists, Occupational Therapists, Educational Therapists, Oto-Techs, Auditory Verbal Therapists, Psychologists (APD), Early Intervention Specialists, Behavior Therapists. The American Speech-Language-Hearing Association is in the process of compiling data from a recent survey sent to each state professional association on encroachment issues facing each state.
- Exemption Free: Universal Licensure
- Strategic Planning for Regulatory Boards
- The 4<sup>th</sup> year AuD Student: To License or Not
- State Information Exchange: Interesting items noted below:
  - Professional shortage issues
  - Foreign Educated Applicants. The following states/territories have provisions regarding English competency as a prerequisite for licensure: Ontario, Mississippi, Maryland
  - On-line licensing renewal capabilities
  - Telepractice: Louisiana is considering regulation changes to permit web-cam telepractice.
  - Audiology Assistants: Georgia has new regulations for audiology assistants; Montana has three levels of aides (MA/BA/No Training).

#### **B. Report from the California Academy of Audiology Conference- September 6-8, 2007 Long Beach**

Ms. Del Mugnaio stated that she attended the conference and provided a licensing board update on pending professional issues and projects that the Board is currently tackling.

Vice Chairperson Grimes and Ms. Del Mugnaio participated in a panel discussion surrounding the professional and ethical standards for diagnosing and “treating” auditory processing disorders. Ms. Del Mugnaio indicated that there were presentations from June McCullough, Ph.D., AU; Beatrice Braun M.A., AU; and Patti Hamagucchi, M.A., SLP.

#### **C. Update on Board Activity**

Ms. Del Mugnaio stated that many of the action items from the previous board meeting will be addressed under other meeting agenda topics. However, she stated that the Board requested further clarification of ASHA’s response letter of August 2, 2007, to the Board’s initial inquiry regarding the ASHA certification and re-certification standards, specifically those pertaining to the acceptance of examination passing scores dated more than five years old. After reviewing the ASHA response letter at the August 9-10, 2007 meeting, the Board was unclear as to when ASHA would enforce certification standards requiring the doctoral degree for audiologists. Ms. Del Mugnaio referenced the detailed information she printed from the ASHA’s website on certification standards for audiologists, which clearly delineated such requirements.

#### **D. Budget Update- Distribute New Projection**

Ms. Del Mugnaio provided a budget expenditure and projection report as of September 30, 2007, for fiscal year (FY) 07/08. She stated that she will continue to monitor AG expenses carefully, as

the appropriated funding for enforcement has historically been insufficient (especially the past 2 years). Ms. Del Mugnaio reported that, in the past, she had to redirect funding to support on-going enforcement efforts, especially disciplinary cases. She stated that the FY 07/08 budget includes an augmentation of \$72,000 for the examination validation studies for both the speech-language pathology and audiology licensing examinations, as secured by way of a budget change proposal requested during the budget year 05/06.

**E. Status of Rulemaking Files- Qualifications for Clinical Supervisors of Students and Individuals Completing the Required Professional Experience**

Ms. Del Mugnaio reported that the regulatory notice was filed with the Office of Administrative Law on October 16, 2007. Ms. Del Mugnaio reported that the Board had approved the regulatory language at its August 9-10, 2007 meeting and stated that, in the interest of filing the final rulemaking package in a timely manner, the Board may consider granting her the authority to adopt the final regulatory language and the Final Statement of Reasons if there are no substantial public comments received during the 45-day public comment period ending on December 10, 2007.

**M/S/C: Donald/Hancock**

The Board approved the proposed regulatory language amending California Code of Regulations Sections 1399.152.2 and 1399.153 and delegated the authority to Ms. Del Mugnaio to adopt the regulation language and Final Statement of Reasons provided there were no substantial comments received during the public comment period.

**F. Examination Validation Study Schedule – Office of Examination Resources**

Ms. Del Mugnaio reported that the Board will conduct its examination validation studies this fiscal year for both the speech-language pathology and audiology licensing examinations. She reported that she will meet with the Office of Examination Resources on November 5, 2007, to discuss the validation study schedule, including preparation for the examination validation work groups, which will entail organizing 2 workshop sessions per discipline with approximately 7-9 subject matter experts (held in Southern and Northern, CA respectively). Ms. Del Mugnaio requested that the Board provide her with subject matter expert references as soon as possible and stated that the examination workshops will likely be held Spring of 2008.

**G. Miscellaneous – Internal Audit Schedule/ Howe Avenue Move Update/ Board Member Vacancy/ CPD Audit Update**

Ms. Del Mugnaio provided a status update on the Department's internal audit of the Board. She stated that the Department audited the Board's internal operations and noted significant deficiencies in the Board's cashiering functions and other minor deficiencies with the Board's Strategic Plan and with its RPE licensing provisions. She reported that staff has completed the majority of the necessary operational changes, with the exception of amending the Board's Strategic Plan. Ms. Del Mugnaio stated that she requested guidance from the Department regarding plan modifications and was instructed by a departmental representative that further guidelines will be forthcoming. Ms. Del Mugnaio stated that she will notify the Board at such time that another strategic planning session should be scheduled. She stated

that the Board may need the assistance of an outside facilitator and, if so, the Board will need to secure a contract and funding for an outside consultant. She stated that the 180-day follow-up audit review is scheduled for mid-December 2007.

Ms. Del Mugnaio stated that the Board's office relocation plans have been postponed to until mid-December 2007.

Ms. Del Mugnaio stated that both the Department and the Governor's Appointments Office are currently seeking to fill the professional audiologist seat on the Board and have been actively interviewing potential candidates.

Ms. Del Mugnaio distributed a status report on the 2007 Continuing Professional Development audit, which reflected a 90.6% compliance rating for speech-language pathologists and a 98% compliance rating for audiologists.

The Board adjourned the meeting at 5:20 p.m. and tabled the remainder of the discussion until the following day.

**The Board reconvened the full Board meeting at 9:10 a.m. on October 26, 2007.**

#### **VI. Report from the Speech-Language Pathology Practice Committee Meeting – October 25, 2007**

Ms. O'Connor summarized the discussion and recommendations from the Committee Meeting (included under the Speech-Language Pathology Practice Committee Meeting Minutes).

**M/S/C: Grimes/Smith**

The Board approved the report and recommendations of the Speech-Language Pathology Practice Committee.

#### **VII. Report from the Audiology Practice Committee Meeting – October 25, 2007**

Ms. Bingea provided an overview of the matters discussed at the Audiology Practice Committee meeting and outlined the topic discussed.

**M/S/C: Donald/Smith**

The Board voted to accept the report and recommendation of the Audiology Practice Committee.

#### **VIII. Legislation**

- A. SB 797 – SLPAB Sunset Extension** (*Sieglinde Johnson, Consultant for the Senate Business Professions & Economic Development Committee & Laura Zuniga, Deputy Director of Legislative and Regulatory Review Unit, Department of Consumer Affairs*)

Missy Johnson of the Senate Business Professions and Economic Development Committee addressed the Board and explained that SB 797 failed to pass out of its final legislative hearing due to a procedural oversight. She stated that, as a result, the Board does not have statutory language to extend its governance beyond July 1, 2008. Ms. Johnson explained that, since the demise of SB 797 was a procedural error, the Senate Professions and Economic Development Committee is working with the Governor's Office on inserting language in the 08/09 Governor's budget that would secure the authority of the Board to operate with its current staff and executive officer under the Department for a six month period until the Board may be restored by legislation January 1, 2009.

Ms. Laura Zuniga of the Department explained that there is a legal challenge in extending a board by urgency legislation as there has been a legal opinion issued by Legislative Council deeming that extension of a governmental entity by an urgency clause is unconstitutional. Ms. Zuniga stated that the Department is exploring all options for preserving the Board and the executive officer within legal constructs. She stated that, if the Board does sunset, it will become a bureau under the Department and will continue with its licensing and enforcement functions but will report to the Director of the Department as opposed to a nine member board. Ms. Zuniga explained that there are three other entities facing a similar situation: the Dental Board, the Board of Barbering and Cosmetology, and the Board of Vocational Nursing and Psychiatric Technicians. She reiterated that if these boards do sunset, the priority of the Department during the transition will be to ensure that all licensing and enforcement functions remain uninterrupted so that public protection is not compromised. Ms. Zuniga stated that the Director of the Department would seek professional input from the existing board members by establishing an advisory committee to provide guidance to the Director on practice and policy issues. She stated that the advisory committee would meet in a public forum on a regular basis similar to the existing board meetings.

Mr. Ritter addressed the Board and provided extensive background on the legality of reestablishing a board by urgency legislation. He reported that in 1996-1997 a similar situation arose with the then Council of Private Post Secondary and Vocational Education (CPPVE), wherein the CPPVE was sunsetted and subsequently restored by an urgency measure. Mr. Ritter stated that the same legal challenges were raised during this transition by Legislative Council, wherein the Council opined that the restoration of the CPPVE was unconstitutional. Mr. Ritter stated that he worked for the CPPVE at that time as legal counsel and was charged with examining the legal opinion of the Legislative Council. He reported that he found the legal opinion to be inaccurate and subsequently wrote a rebuttal opinion outlining his conclusions. Mr. Ritter stated that the Legislative Council opinion focused on the unconstitutional extension of an appointed official's term of office, not reconstitution of the agency itself. He explained that the opinion was based on an official's "expectation" of when his or her term of office should expire, correlating the "expected term of office" with the expiration of the agency. Mr. Ritter stated that one's "expectation" of his or her term of office has no legal merit in that a term of office is established by statute and oftentimes extends far beyond the sunset date of the agency for which the member serves. He stated that the term of office of an appointed official and the sunset date of a board are not directly linked. He also stated that the California Supreme Court objected to a similar legal argument in a case regarding the Coastal Commission where a member of the Commission argued that his term of office was a fixed term based on the sunset date of the Commission itself. The Supreme Court concluded that there was not expressed intent to equate a public representative's term of office to the duration of the Commission.

Mr. Ritter stated that, in his opinion, there is no constitutional prohibition preventing the legislature or any other party from restoring the boards by urgency legislation.



Missy Johnson stated that a majority of the Legislature must agree with Mr. Ritter's conclusion, as an urgency measure requires a 2/3 vote in order to pass. She suggested that there are some members who strongly agree with the Legislative Council's opinion.

Mr. Ritter stated that, if the Board provides him with direction to document his opinion and share his findings with the Legislature, he would provide such to Ms. Johnson immediately.

**M/S/C: Grimes/Smith**

The Board directed Mr. Ritter to draft a legal opinion regarding the extension of the Board by urgency legislation and agreed to waive the attorney-client privilege communication so that the opinion may be shared with all interested parties.

Robert Powell was on record stating that CSHA supports the extension of the Board.

Robert Ivory echoed the CAA support of extending the Board by whatever means necessary.

#### **B. AB 962 Houston- Speech-Language Pathology Paraprofessionals**

Ms. Del Mugnaio reported that AB 962 was signed by the Governor on October 14, 2007. The bill creates a study group, directed by the California Postsecondary Education Commission, to assess and discuss issues relating to the creation of additional SLPA training programs. The study group must include key stakeholders, such as the SLPAB, CSHA, CSEA, and the Association of School Administrators. A findings report must be produced to the Legislature by June 1, 2008.

Robert Powell stated that AB 962 was a companion bill to SCR 40 requiring further exploration of speech-language pathology training opportunities. He stated that there was some concern regarding whether AB 962 would ultimately be signed by the Governor as a similar, more comprehensive bill on studying manpower for post secondary education was not signed by the Governor.

#### **C. AB 359 Karnette – Student Financial Aid: Assumption Program for Education Loans**

Ms. Del Mugnaio stated that the Board was on record as supporting AB 359. However, the bill was held by the author due to budgetary issues that require further reconciliation before moving the initiative further. Ms. Del Mugnaio explained that the bill would have expanded eligibility for the Assumption Program of Loans for Education (APLE) to include persons pursuing service credentials in speech-language pathology *K-12*.

Robert Powell stated that the CSHA-sponsored bill is now a two-year bill with hearings set for January 2008.

Ms. O'Connor inquired about the legislative analysis of the bill, which included information regarding the Commission on Teacher Credentialing's (CTC) existing authority to modify credential standards and whether the authority included modifications to special education credentials.

Robert Powell stated that CSHA is currently engaging in discussions with the CTC staff about their existing legal authority, but stated it is likely that existing law does provide CTC with the purview to change special education credentialing standards without having to amend current statutes.

**D. SB 557 -Audiologists as Qualified Medical Evaluators – Workers’ Compensation**

Ms. Del Mugnaio stated that the bill was vetoed by the Governor on October 13, 2007. She noted that, as amended on August 30, 2007, SB 557 would have included doctors of audiology, who are licensed and who meet specified requirements, among medical professionals who may be deemed “qualified medical evaluators” for the purposes of evaluating worker’s compensation claims involving hearing loss. Ms. Del Mugnaio stated that she included the Governor’s veto message in the written Executive Officer’s report and stated that the Board had decided to remain neutral on the bill.

Mr. Jim Stassy indicated that Sacramento Advocates, working on behalf of CAA, would continue to dialogue with the Department of Industrial Relations regarding their stated opposition and may introduce legislation during the next legislative session.

**E. Administrative Legislative Proposals (AB 721, AB 865, AB 1135, SB 618, AB 1393, and AB 1025)**

Ms. Del Mugnaio referenced the legislative summaries as included in her written report to the Board. A status of the following bills was reported to the Board.

**AB 721 – Maze - Public Records: Requests by the Legislature- Held Under Submission**

This bill would have required a state agency to provide a response to a Legislative request for public records within three days of receiving the request, notifying the Legislature whether the documents are public records and thereby disclosable under the Public Records Act. This bill would have shortened the agency’s mandatory response time frame from 10 days to three days.

**AB 865 - Davis – Live Consumer Service Agents- Held Under Submission**

Existing law requires each state agency to establish a procedure whereby incoming telephone calls on any public line shall be answered within 10 rings during regular business hours, subject to certain exceptions. This bill would have required each state agency to answer an incoming call with a live customer service agent, or automated telephone answering equipment, with a prompt that allows a caller to select an option to speak to a live customer service agent, subject to certain exceptions, such as field offices, telephone lines dedicated as hotlines for emergency services, or telephone lines dedicated specifically to provide general information.

**SB 618 - Alquist - Electronic Records- Held under Submission**

Under existing law, the Administrative Procedure Act authorizes state agencies to publish, distribute, or deliver various notices and documents required by the Act pursuant to electronic mail or other electronic communication. This bill would have required each state agency, no later than January 1, 2010, to maintain all of its records in an electronic format. It would have applied this requirement to any document or writing containing information relating to the conduct of the

people's business that is prepared, owned, used, or retained by any state agency that is not already in an electronic format.

**AB 1135 - Strickland - State government: reports: declarations- Vetoed by Governor- Oct. 13, 2007**

Existing law generally sets out the requirements for the submission of written reports by public agencies to the Legislature, the Governor, the Controller, and state legislative and other executive entities. This bill would have required any of these written reports to include a signed statement by the head of the agency or department declaring that the contents of the report are true, accurate, and complete to the best of his or her knowledge. This bill would have also made any person who declares as true any material matter pursuant to these provisions that he or she knew to be false liable for a civil penalty not to exceed \$20,000.

**AB 1393 - Leno/Maze – Public Records- Vetoed by Governor- Oct. 11, 2007**

This bill would have, as of July 1, 2009, required any state agency that publishes an Internet Web site to include on the homepage of that site specified information that is not exempt from disclosure under the act about how to contact the agency, how to request records under the act, and a form for submitting online requests for records. It would have authorized any person to bring an action to enforce the duty of a state agency to post this information and would provide for penalties including monetary awards to be paid by the agency, with specified provisions to become operative on January 1, 2009. It required the Department of Justice to convene an advisory task force with a specified membership to consider specified issues with respect to a statutory standard governing the posting of certain activities under the act, and to report its findings and recommendations to the Governor and the Legislature by no later than January 1, 2009.

**AB 1025 - Bass – Professions and vocations: Denial of licensure upon conviction of a crime- Vetoed by Governor- Oct. 13, 2007**

Ms. Del Mugnaio reported that both the Board and the Department opposed AB 1025 as it removed the invested discretion of the Board to deny or discipline a licensee for a criminal conviction if the Board determined the conviction was substantially related to the duty of the licensee. This bill would have provided that a person may not be denied licensure or have his or her license suspended or revoked based solely on a criminal conviction that has been dismissed on specified grounds or if the person has been rehabilitated, unless the board provides substantial evidence justifying the denial suspension or revocation. The bill would have also provided that an arrest more than one year old does not constitute grounds for denial of a license pursuant to the above provisions if no disposition is reported. This bill would have required the board to provide an applicant or ex-licensee whose application has been denied, or whose license has been suspended or revoked based upon a crime, with a copy of the criminal history record. This bill would have required the board to maintain information regarding the criminal history records and make such information available to the Department of Justice and Federal Bureau of Investigation upon request, and would have required the department to prepare an annual report to the Legislature documenting the board's denial, suspension, or revocation of licenses based on the bill's provisions.

**F. Medi-Cal Trailer Provisions- Purchasing of Hearing Aids**

**SB 83 - Medi-Cal Trailer Provisions- Purchase of Hearing Aids**

Ms. Del Mugnaio stated that the budget trailer bill as adopted requires that, as of June 30, 2008, the Department of Health Services enter into exclusive or nonexclusive contracts on a bid or negotiated basis for purchasing hearing aid appliances (aids).

She stated that there have been several concerns expressed by the professional community regarding this new mandate, as many believe this will limit access to appropriate and sophisticated hearing aid devices available to Medi-Cal recipients.

Ms. Grimes expressed her concern stating that if this new contract in any way limits reimbursement of audiology services or products, providers will drop out of the Medi-Cal system, as the current reimbursement schedule is extremely poor.

Mr. Donald inquired about the cost savings to the state under the new mandate.

There was a lengthy discussion regarding the financial benefits of the new exclusive contract proposal and it was concluded that if there is any cost-savings to the state it will result in less compensation to the providers, which will drive the already limited number of audiologists away from the Medi-Cal program.

Ms. Grimes stated that this is a serious consumer protection issue as Medi-Cal beneficiaries will not receive critical hearing-related services as there will be a significant shortage of audiology providers.

Ms. Del Mugnaio stated that she will continue to track the Department of Health Services implementation strategies for contracting with a sole source vendor and will notify the Board at such time that public input is being considered or maybe welcomed.

#### **G. Other Legislation of Interest to the Board**

The Board reviewed AB 1663, which was signed by the Governor on October 10, 2007, and is a bill on special education that requires states to conform with federal law and ensure that special instruction and related services are provided in compliance with federal mandates as related to pupil identification, assessment, eligibility, and individualized education program development.

#### **IX. Review Legislative Proposal Amending Entry-Level Licensing Requirements For Audiologists & Discussion of the Provisional Licensing of Audiology Doctoral Students Completing the Final Clinical Externship**

Ms. Del Mugnaio stated that the Board must work with the professional associations and the legislative committee staff during the 2008 legislative session to introduce a bill that would raise the entry-level training licensing standards for audiologists to the doctorate degree. She referenced the draft language as provided in the meeting packets and requested that the Board review the proposed language, Business and Professions Code Section 2532.25, which reflects the new audiology licensing provisions, including the requirement for a twelve month externship following the completion of didactic and clinical training in a board-approved doctoral training program. She stated that, while the Board has been supportive of the referenced changes, there is still disagreement as to whether students completing the twelve month externship should be provisionally licensed. Ms. Del Mugnaio stated that at the August

9-10, 2007 meeting the Board held a lengthy discussion regarding the professional philosophical issues of licensing a non-degreed student and the public policy concerns of allowing a person who may be minimally supervised to provide professional services without some form of state oversight. She stated that the Board considered the concept of requiring audiology doctoral students completing the externship in California to be provisionally licensed and creating an equivalency clause for students who complete the 4<sup>th</sup> year externship in another state, earn the doctorate, and who eventually apply for a license in California. Ms. Del Mugnaio suggested that this should alleviate unintentional barriers to licensure in the state, even if other states operate under different regulatory parameters.

Ms. Grimes inquired about the necessity for granting a provisional license to a student under the direction of the university training program.

Mr. Ritter commented that granting a license provides the state some oversight and enforcement powers should the student or the supervisor conduct themselves unprofessionally and place the public at risk. He stated that a provisionally licensed individual can be held accountable for their conduct and, as such, employers may view the state oversight authority as an added protection in terms of shared liability.

Ms. Del Mugnaio referenced the American Academy of Audiology's July 2007 White Paper, "Licensure and Payment Issues of Audiology Externship Students," which clearly identifies the lack of consensus within the audiology professional community as to whether the 4<sup>th</sup> year audiology doctoral students should be provisionally licensed. She stated that, in addition to the lack of consensus on the licensure issue, she learned at the NCSB conference that there appears to be tremendous disparity in the supervision of 4<sup>th</sup> year students placed at extern sites. Ms. Del Mugnaio stated that some universities require a set percentage of time where the student is directly supervised that decreases over time as the student becomes more competent, while other universities require minimal direct supervision during the externship.

Ms. Grimes argued that it is the responsibility of the university and the extern site to ensure that appropriate oversight and direct monitoring is provided to the 4<sup>th</sup> year student. She stated that the supervision standards of the 4<sup>th</sup> year student should far exceed the supervisions requirements for the current required professional experience.

Mr. Ritter indicated that he will review the legal matters surrounding creating an equivalency provision for 4<sup>th</sup> year audiology students completing an externship in another state where a provisional license is not required, and will craft language to establish the equivalent qualifications between the proposed state standards requiring the provisional license and the supervised externship completed in another state under the auspice of a Board-approved audiology doctoral training program.

**M/S/C: Donald/Murphy Abstention: Smith**

The Board delegated to Ms. Del Mugnaio and Mr. Ritter the task of developing statutory language regarding the 4<sup>th</sup> year externship of audiology doctoral students to require that students who complete the experience in the state hold a temporary license and establish an equivalent qualification for students who complete the 4<sup>th</sup> year externship in another state and ultimately

seek licensure in California once the experience is completed and the doctorate degree has been awarded.

**X. Discussion of Status of the Development of the Audiology Joint Doctoral Training Programs in California and Discussion of Program Accreditation Issues- Examine the Accreditation Standards of the Accreditation Commission on Audiology Education (ACAE)**

Ms. Lydia Yu, University of California (UC) Office of the President, addressed the Board via teleconference and provided an update from the UC system on joint program development. Ms. Yu stated that multiple budget discussions have occurred since the August Board meeting, which have resulted in a final determination on student fees and class size. However, she stated that several budget issues were still unresolved in terms of program start-up money and long-term stabilization support. Ms. Yu indicated that the San Francisco campuses, that is, University of California San Francisco (UCSF) and San Francisco State University (SFSU), are further along with their respective budget proposals than the Los Angeles institutions. She also stated that the UC is working with San Diego State University and the University of California San Diego on expansion of their existing audiology doctoral program. Ms. Yu indicated that the UC is working to have many of the unresolved budget issues settled by the end of 2007 in order to forward a budget proposal to the Department of Finance for funding consideration in the Governor's budget for fiscal year 2008-09.

Mr. Ken O'Donnell from the California State University (CSU) Chancellor's Office addressed the Board and reported that the CSU is committed to establishing a fee structure at all campuses that are broadly comparable. He stated that UCSF and SFSU are at least two months ahead of the southern California campuses in terms of documenting resource needs and establishing shared program responsibilities between the two campuses. Mr. O'Donnell indicated that the UC and CSU have determined that a cohort of twelve students paying educational and registration fees at the UC fee rate, as well as additional professional fees assessed for the four years of training, should subsidize the majority of the program costs. However, start-up money has yet to be identified and it is projected that each program will require at least two million dollars to fund the first year or more of instruction. Mr. O'Donnell commented that the CSU is struggling with charging the higher tuition for the audiology programs, as the absorbent costs will discourage students from diverse or lower socio-economic backgrounds from entering the field of audiology and runs counter to the CSU mission of providing greater access to higher education for all populations.

Mr. O'Donnell stated that, while the UC is seeking system-level support for the programs, the CSU is asking each campus to sustain start-up costs from the institution's discretionary funds. He suggested that the start-up costs at the CSU campuses should be much less than the UC campuses, as the CSU already has the infrastructure in place for training students in audiology.

Mr. Donald inquired about the eighteen month accreditation timelines and how the programs are prepared to meet the fall 2009 student enrollment date if the programs have not yet secured resources to support the program and, thus, are not prepared to apply for program accreditation. He commented that there does not appear to be enough time built into the projected plan for student recruitment.

Mr. O'Donnell agreed and stated that the goal of meeting the fall 2009 program enrollment date is becoming less achievable as the budget negotiations remain unresolved. He commented that he and Ms. Del Mugnaio are brainstorming on how to acquire available public funding to help off-set the initial start-up costs. Mr. O'Donnell contended that the government should be invested in these audiology programs as a matter of sound public policy, in that the ability to hear should be a birth right of every Californian. He stated that, at a recent California Endowment conference, he learned of creative funding options where students obligate to a number of months or years of professional service in an underserved region after graduation in exchange for partial tuition forgiveness.

Ms. Grimes commented that the Governor has already taken a position on the importance of early hearing screening, diagnosis, and intervention by mandating universal newborn hearing screening in the state. She stated that, at this point, California is relying on importing audiologists to fulfill the state's service demands.

Mr. O'Donnell responded and stated that it is untenable to rely on importing the vast majority of audiology providers, as California has little quality control over the training afforded audiologists in other states, not to mention the economic fluctuation that may deter audiologists from relocating to a state where the major cities boast higher costs of living.

Mr. Van Vliet inquired whether student scholarships would assist with funding issues.

Mr. O'Donnell stated that it will help some of the students who are eager to enroll in the program despite the notable high tuition costs; however, he projected that many will be dissuaded from applying for the program due to the projected student debt.

Ms. Raggio reported that she and Mr. Sweetow at UCSF prepared a comprehensive budget proposal that now must be scaled down and developed with less funding required in the first two years and more resources available as the program progresses and student fees are collected. She stated that the proposal has been submitted to the UC Graduate Council and to the CSU Academic Senate. Ms. Raggio stated that she and Mr. Sweetow are working on the accreditation proposal to be submitted to the Western Association of Schools and Colleges. Ms. Raggio indicated that she has been in contact with the SFSU Foundation Office in an attempt to secure corporate funding to off-set program costs. She stated that she had been in communication with Kaiser Permanente regarding audiology work force needs and was told that Kaiser has between 8 and 9 on-going audiology vacancies that the organization is unable to fill. Ms. Raggio commented that she is approached regularly by students who are eager to begin the doctoral training program despite the high tuition fees.

Ms. Del Mugnaio stated that representatives from both the ACAE and the Council of Academic Accreditation (CAA) were participating in the meeting via teleconference to address the Board regarding program accreditation issues and timelines. She stated that the ACAE is a relatively new accrediting body for audiology education and is working on their second program accreditation. Ms. Del Mugnaio stated that the Board has the regulatory authority to acknowledge the ACAE as an accrediting body for audiology training and, therefore, should review the merits of the ACAE accreditation standards. She stated that the ACAE may not be recognized by the United States Department of Education (USDOE) until it has accredited at least two academic training programs. Ms. Del Mugnaio referenced information she extracted

from the USDOE website on accreditation standards and guidelines for accrediting bodies and suggested that the Board use the USDOE information as guide when reviewing the merits of the ACAE.

Doris Gordon, Executive Director of the ACAE, explained the organization's structure and accreditation processes to the Board. She identified key evaluation benchmarks and review components, including the web-based institutional surveys where programs may compare their standards and infrastructure with other training facilities and conduct a self-reflection analysis. Ms. Gordon stated that she provided a binder to Ms. Del Mugnaio with a sampling of the web-based survey questions. She also stated that the ACAE is working on creating an interactive virtual site visit process where programs may interactively communicate with the reviewers on program needs or deficiencies. Ms. Gordon stated that compliance issues are ultimately addressed during on-site visits to determine that such issues have been rectified.

Ian Windmill, Chair of the ACAE, addressed the Board and stated that standard procedure would require a program to seek an initial approval prior to enrolling students so that before the student graduates from the program, the program will have achieved accreditation.

Mr. Donald inquired about the timeframe of the initial approval.

Ms. Gordon stated that the ACAE Board may grant an initial approval to a program upon receiving a preliminary application documenting that all program resources have been secured and that a plan for evaluating the program's expectations is well documented and supported. She stated that the process can occur as quickly as three months if all preliminary standards have been well documented.

Ms. Tess Kirsch of the CAA stated that the new CAA candidacy application process was recently modified and now stipulates that programs may not enroll students until the program has been granted candidacy status, which is typically an eighteen month review process. She stated that a new candidacy program will typically graduate its first cohort of students while still working toward achieving full accreditation. Ms. Kirsch reported that the new candidacy application documents would be available on-line through the CAA within the next month.

Ms. Grimes inquired whether any training program that had been granted candidacy status by CAA ever failed to achieve full accreditation.

Ms. Kirsch stated that she was not aware of a training program that was denied accreditation after its candidacy status.

At the request of the Board, both the ACAE and the CAA agreed to provide the Board with a thorough presentation at its February meeting outlining their respective accreditation processes and standards. In this way, the Board may make an informed decision about acknowledging the merits of the two accrediting bodies for the purposes of audiology doctoral training.

## **XI. Examine Licensing Requirements & Possibility of Creating Reciprocity with Other States**



Ms. Grimes inquired whether the Board may consider developing reciprocity provisions for audiologists so that audiologists holding a license in another state could automatically qualify for a California license, thus assisting with licensing portability for audiologists to work in the state. She commented that, given the critical shortages of audiologists in the state and the fact that California is not supplying the state with a sufficient number newly trained practitioners, the Board should consider other options for attracting more professionals to the state. Ms. Grimes stated that the federal government recognizes state licensure as the professional provider standard under Medicare and deems all state audiology licenses as equivalent. She questioned why the Board wouldn't consider a reciprocity agreement if the federal government considers the audiology license to be uniform across states.

Ms. Del Mugnaio stated that this should be explored further once California's licensing provisions have been amended to require the doctoral degree in audiology as the entry-level training standard.

Ms. Del Mugnaio referenced a table developed by staff which outlined all states recognizing some form of reciprocity and indicated that the resource information collected was available through the American Speech-Language-Hearing Association.

Mr. Ritter commented that creating cross-border practice authority would require a legislative change and is a major policy decision of the Board that would require thoughtful consideration and input from the public. He suggested that the discussion may be more appropriate for a Committee meeting where considerable time can be spent discussing the ramifications of opening up the licensing law to provide reciprocity between states.

Ms. Grimes agreed to post an inquiry on the American Academy of Audiology's list serve inquiring how other states developed their reciprocity provisions and the process by which the states determined what other states' licensing laws and regulations were equivalent to their own provisions.

Ms. Del Mugnaio stated that she would contact the states that recognize state-to-state reciprocity and inquire about their internal processes for establishing, documenting, and monitoring licensing equivalency as state laws and regulation continue to evolve.

Ms. Del Mugnaio agreed to provide additional data at the February 2008 Board meeting.

## **XII. Discuss Licensing Issues Related to Foreign Educated Applicants**

The Board reviewed the background information and status report, as developed by Ms. Murphy, on the issues related to the training and competency of foreign educated applicants. Ms. Del Mugnaio outlined the following issues for further discussion:

- Are the existing academic and clinical transcript evaluations, as provided by the Board-approved evaluation services, detailed enough to equate course-specific information in order to determine program equivalence? If not, should a supplemental evaluation be required?

- Is there an inherent conflict with employment agencies working on behalf of foreign trained applicants to secure the transcript evaluations for the purpose of state licensure?
- Since the Board is aware that some foreign trained applicants are having difficulty communicating in English, both orally and in written form, should the Board consider requiring foreign educated applicants to take and pass an oral proficiency examination similar to the Test of English as a Foreign Language (TOEFL)?
- Are there additional benchmarks or performance measures that should be included in the required professional experience externship that would require supervisors to engage in dialogue regarding the RPE's performance and document any compliance issues at the initial stage of the externship so that such competency issues can be reported to the Board immediately?
- What additional training, if any, should be required for foreign trained applicants who can not demonstrate entry-level competency during their required professional experience?
- Do California training programs offer any remediation courses in English-language proficiency or clinical competency that may be available to foreign trained applicants?

Ms. Murphy summarized the information in her report and stated that, while many foreign educated applicants obtain a Health Care Work Visa through a Visa Screen process, which requires the applicant to take and pass an oral and written English language proficiency examination, some foreign applicants seek a Teacher Visa, which entails a different screening process and does not necessarily include an oral examination. She also stated that there is no limit to the number of attempts an applicant has to take and pass the English language proficiency tests. Ms. Murphy stated that this definitely presents a problem in terms of relying on the Visa Screen process to ensure that foreign educated practitioners possess written and oral English competency.

Members of the public provided testimony as to their professional experiences in working with foreign trained applicants who were not clinically competent to practice independently.

Ms. Del Mugnaio stated that staff routinely has difficulty communicating with foreign trained applicants over the telephone about licensing requirements.

Ignacio Casabous of Bilinguals, Inc. inquired whether the Board provided any type of tutorial or training on the licensing process that his organization may participate in so that he and his colleagues could assist their clients with the application process.

Ms. Del Mugnaio stated that there is no such training; however, the Board's website has detailed information about the application process, which includes the requisite forms pertaining to foreign educated applicants.

Ms. Del Mugnaio stated that she and Ms. Murphy would continue to work on researching the viability of recognizing or developing an oral examination on English language proficiency. She stated that she will also discuss the legal validity of conducting an oral examination with the Department's Office of Examination Resources. Ms. Del Mugnaio further committed to researching the types and complexity of the transcript evaluation reports as available through the Board-approved transcript evaluation services to determine whether the Board should require a more comprehensive evaluation report.

Ms. O'Connor recommended that Ms. Murphy contact Jose Galvan of California State, Los Angeles, to inquire whether the university training programs offer courses in English remediation or proficiency, wherein foreign trained applicants may enroll to improve their communication skills.

### **XIII. Licensing/Enforcement Statistical Data**

The Board reviewed the statistical data as provided by staff. Ms. O'Connor inquired whether the statistics on speech-language pathology assistants could be separated by Northern and Southern California geographical region.

Ms. Del Mugnaio indicated that a geographical breakdown is available and will be provided at a future board meeting.

### **XIV. Public Comment on Items Not on the Agenda**

No further public comments were made at this time.

### **XV. Announcements**

**Next Board Meeting is scheduled for February 7-8, 2008 San Francisco, May 22-23, 2008 Los Angeles**

### **XVI. Schedule Future Meeting Dates**

A future meeting date was scheduled for August 21-22, 2008 to be held in San Diego.

### **XVII. Adjournment**

Chairperson O'Connor adjourned the meeting at 2:48 p.m.